

UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
BILLINGS DIVISION

FILED, ENTERED, AND NOTED  
IN CIVIL DOCKET  
DEC 16 2005

PATRICK E. DUFFY CLERK

By Geri Anderson  
Deputy

RANDY DUANE OLSON,

Plaintiff,

vs.

LT. MR. NODLAND and LPN KIM DAHL,

Defendants.

CV 04-146-BLG-RFC

JUDGMENT

           Jury Verdict

X

Decision by Court. ORDER by U.S. District Judge Richard F. Cebull (copy attached) dated 12/8/05, adopting the Findings and Recommendations of Magistrate Anderson and granting Defendants' Motion for Summary Judgment.

JUDGMENT IS HEREBY ENTERED in favor of DEFENDANTS and against PLAINTIFF.

Patrick E. Duffy  
Clerk of Court

December 16, 2005

Geri Anderson  
(By) Deputy Clerk

In Billings, Vol. #86  
Page 3582

CERTIFICATE OF MAILING  
DATE: 12-16-05 BY: CA

I hereby certify that a copy  
of this order was mailed to:

R. Olson  
Jaquie Best

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

<b>RANDY DUANE OLSON,</b>	)	<b>CV-04-146-BLG-RFC</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	
	)	
	)	<b>ORDER ADOPTING FINDINGS</b>
	)	<b>AND RECOMMENDATIONS OF</b>
<b>LT. MR. NODLAND and</b>	)	<b>U.S. MAGISTRATE JUDGE</b>
<b>LPN KIM DAHL,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

On November 21, 2001, United States Magistrate Judge Richard W. Anderson entered his Findings and Recommendation. Magistrate Judge Anderson recommends Defendants' Motion for Summary Judgment be granted.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the March 3, 2004 Findings and Recommendation. Failure to object to a magistrate judge's findings

12/8  
EF ✓  
Cue

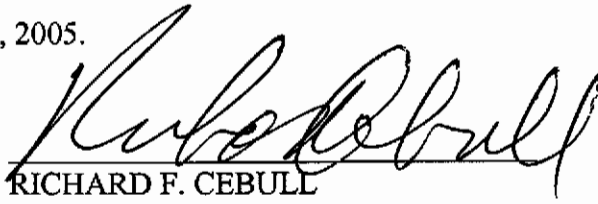
and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Anderson's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** Defendants' Motion for Summary Judgment (*Doc. #16*) is **GRANTED**. Judgment should be entered in favor of Defendants Nodland and Dahl and against Plaintiff Olson and the docket should reflect that Plaintiff Olson's filing of this action counts as one strike, pursuant to 28 U.S.C. § 1915(g), because he failed to state a claim on which relief may be granted.

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 8th day of December, 2005.

  
RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE